

DOA
11-02-17

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Juan Alberto Nieblas-Rojas,) Case No. 17-7541 MJ

(A200 283 283))

Defendant)

)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date of October 30, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Juan Alberto Nieblas-Rojas, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about April 25, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: AUSA Brandon Brown for AUSA Jacqueline Schesnoł

☒ Continued on the attached sheet.


Complainant's signature

Valery Lozano,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 3, 2017


Judge's signature

City and state: Phoenix, ArizonaBridget S. Bade,
United States Magistrate Judge

Printed name and title

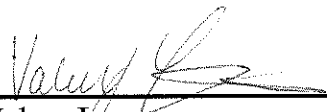
STATEMENT OF PROBABLE CAUSE

I, Valery Lozano, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 30, 2017, Juan Alberto Nieblas-Rojas was arrested by the Mesa Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Nieblas-Rojas was examined by ICE Officer Rodgers who determined Nieblas-Rojas to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On November 2, 2017, Nieblas-Rojas was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Nieblas-Rojas was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Juan Alberto Nieblas-Rojas to be a citizen of Mexico and a previously deported criminal alien. Nieblas-Rojas was removed from the United States to Mexico through El Paso, Texas, on or about April 25, 2013, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Nieblas-Rojas in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department

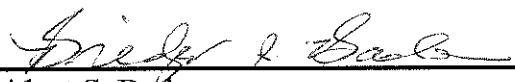
of Homeland Security to return to the United States after his removal. Nieblas-Rojas's immigration history was matched to him by electronic fingerprint comparison.

4. On November 2, 2017, Juan Alberto Nieblas-Rojas was advised of his constitutional rights. Nieblas-Rojas freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about October 30, 2017, Juan Alberto Nieblas-Rojas, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about April 25, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Valery Lozano,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 3rd day of November, 2017.



Bridget S. Bade,
United States Magistrate Judge